

JUN 23 2006

PTO/SB/97 (09-04)

Approved for use through 07/31/2006. OMB 0561-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

USPTO Fax No.: (571) 273-8300

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on JUNE 23, 2006  
Date

Signature

SUSAN L. DURKEE

Typed or printed name of person signing Certificate

Registration Number, if applicable

302-892-1892  
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

10/051902

BB1163USDIV

RESPONSE TO NON-COMPLIANT AMENDMENT NOTICE

Page 1 of 4

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JUN 23 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:  
STEPHEN M. ALLEN

CASE NO.: BB-1163 US DIV

APPLICATION NO.: 10/051,902

GROUP ART UNIT: 1656

FILED: JANUARY 17, 2002

EXAMINER: ROBINSON, HOPE A..

CONFIRMATION NO.: 3372

CUSTOMER NO.: 23906

FOR: NUCLEIC ACID ENCODING PLANT  
SUGAR TRANSPORT PROTEINSRESPONSE TO NON-COMPLIANT AMENDMENT NOTICECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

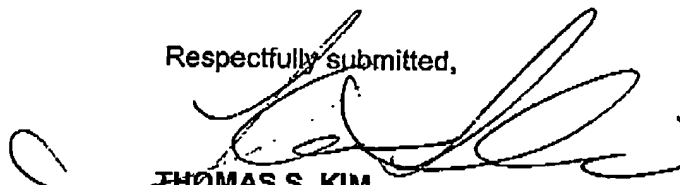
Sir:

This is in response to the May 31, 2006 Non-compliant Amendment Notice. Claim 20 was noted as reciting "any one of Claims 16- 9" which does not match Claim 20 in the previous claim set which includes "any one of Claims 16-19."

Applicants respectfully thank the Examiner for pointing out this typographical error. In accordance with the notice, Applicants provide a corrected claim set in its entirety, including the correct language of claim 20: "any one of Claims 16-19".

Applicants respectfully submit that the claims are now compliant under 37 CFR 1.121 and request that prosecution of the current case move forward.

Respectfully submitted,

THOMAS S. KIM  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 51,009  
TELEPHONE: 302-992-4061  
FACSIMILE: 302-892-1026Dated: 6/23/06